

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ANSUR AMERICA INSURANCE
COMPANY,**

Plaintiff,

vs.

**JAMES A. BORLAND and QUINN,
JOHNSTON, HENDERSON &
PRETORIUS, CHTD,**

Defendants.

Case No. 21-CV-59-SMY

ORDER

YANDLE, District Judge:

Plaintiff Ansur American Insurance Company (“Ansur”) alleges that Defendants James A. Borland and the law firm Quinn, Johnston, Henderson & Pretorius, CHTD (“Quinn Johnston”), provided an inadequate defense to its insured, Clawfoot Supply, LLC, in a lawsuit filed against it by Helen and Wayne Miles in the Circuit Court of St. Clair County, Illinois (Doc. 1).¹ Ansur asserts claims of equitable subrogation (Count 1), professional negligence (Count 2), and negligent misrepresentation (Count 3) and seeks compensatory damages, punitive damages, costs, and attorney’s fees.

Now pending before the Court is Defendants’ Motion to Strike Plaintiff’s request for punitive damages and attorney fees (Doc. 21). As Plaintiff has not responded, the Court construes Plaintiff’s lack of response as an admission of the merits of the Motion. *See* Local Rule 7.1(c).

Punitive damages are not recoverable for legal malpractice claims under Illinois law. *See*

¹ Plaintiff has redacted portions of its Complaint without first seeking permission. Accordingly, Plaintiff is DIRECTED to file an unredacted version of its Complaint or explain why an unredacted version cannot be filed within seven (7) days of the date of this Order.

735 Ill.Comp.Stat. § 5/2-1115; *Scott v. Chuhak & Tecson, P.C.*, 725 F.3d 772, 783-4 (7th Cir. 2013). As to the prayer for attorney fees, Illinois follows the “American Rule”; “absent statutory or a contractual agreement, each party must bear its own attorney fees and costs.” *Negro Next, LLC v. Mid-Northern Management, Inc.*, 839 N.E.2d 1083, 1085 (Ill. App. Ct. 2005). Here, there is no allegation that attorney fees are recoverable through contract or statute. Accordingly, Defendants’ Motion is **GRANTED** and Plaintiff’s prayer for punitive damages and attorney’s fees are **STRICKEN**.

IS SO ORDERED.

DATED: June 21, 2021



STACI M. YANDLE
United States District Judge